

REMARKS

Reconsideration and allowance of the present application in view of the foregoing amendments and the following remarks are respectfully requested.

At the outset, applicant's counsel wishes to express his appreciation for the thorough examination of this application by Examiner Wood.

Claim 1, the only independent claim in the case, has been rejected only under 35 U.S.C §§ 102(a) or (e) as anticipated by either Richard or Morandin et al. In an effort to overcome these various grounds of rejections, claim 1 has been amended to more clearly particularize the patentably distinct features of the present invention. Additionally, new independent claims 16 and 17 have been added to provide more adequate protection for applicant's contribution.

It is well known that in order to sustain a rejection under § 102 (b) or (e), every limitation in the rejected claim **fairly** must be found in the reference. In this regard, the Examiner has concluded that **Richard** and **Morandin et al** "anticipates" each and every feature of claim 1. It is submitted that the Examiner's conclusions are not sustainable. Neither of these references teaches a *one-piece support structure* for both a rain gutter, and a rain gutter cover

extending toward the front edge of the gutter, where the one-piece support structure has combined therein a first gutter engagement portion extending forward and upward from a first end thereof for engaging the front portion of the rain gutter, a gutter cover engagement portion which extends *forward and upward* from a *middle portion* of the support structure for engaging a roof-supported cover, and a second gutter engagement portion comprising a support-fastener-reception portion extending upward from the second end of the one-piece support structure for engaging the rear portion of the rain gutter. Only applicant discloses and claims this novel advantageous arrangement.

In **Richard**, the device disclosed is a "mounting block" for a gutter cap that is separate from, but attachable to a conventional gutter hanging bracket. **Richard** clearly does not show nor suggest a *one-piece* support structure having gutter engagement portions at its opposed ends, respectively, and certainly lacks a cover engagement portion extending from the middle portion thereof *forward and upward* with respect to the gutter engagement portion at the front end of the support structure. Moreover, in **Richard**, the middle portion "truss" carries a "cover engagement portion" that -- if at all -- extends *downwardly* toward the front of the gutter. As a result of these salient differences, **Richard** manifestly fails to "anticipate" applicant's invention as defined in claim 1, particularly as amended herein.

Similarly, **Morandin et al** fails to disclose or suggest a one-piece structure for hanging a gutter and supporting a *roof-mounted gutter cover*. The one-piece structure in this reference has a top section with front and rear mounting clips to carry a perforated screen which is vastly different from a cover designed to channel rain water to the front of a gutter. Thus, **Morandin et al** fails to show or suggest anything even remotely akin to applicant's *gutter cover engagement portion* which extends forward and upward from a *middle portion* of the support structure for engaging a roof-supported cover. Because **Morandin et al**'s device supports its own perforated screen (not cover), the clips are positioned at the front and rear of the support, and definitely not in the "middle portion" thereof and the front clip extends rearwardly not forwardly. For at least these reasons, **Morandin et al** fails to anticipate applicant's invention, especially as set forth in claim 1, amended herein.

It is noted that the prior art reference to **Knudson** (brought to the attention of the USPTO by applicant) was not applied against claim 1. **Knudson**, of course, inter alia, has the cover and gutter engagement portions located at the front end of the support structure and absolutely fails to show or suggest locating the cover engagement portion in the *middle of the top portion of the support structure*. Applicant agrees with the Examiner's assessment that this reference clearly

fails to show or suggest the structure set forth in claim 1, even before the amendment thereto herein.

New independent claims 16 and 17 respectively specify the *convex top surface* between the second end of the one-piece support structure and the middle portion thereof, and the arrangement where the support-fastener-reception portion extending upwardly and rearwardly obliquely with respect to the top portion of the one-piece support structure, *forms a portion of the concave top surface*. Clearly, none of these features is disclosed in either **Richard, Morandin et al**, or **Knudson**, and therefore they are believed to patentably distinguish the claims over these references, whether considered singly or collectively, for these additional reasons.

Claims 2-15 depend from and further restrict claim 1 and therefore are believed to avoid the Examiner's rejection under § 102(b) or (e) for at least the same reasons given above with respect to parent claim 1.

It will be noted that none of the Examiner's rejections under 35 U.S.C. § 103 was applied to claim 1. Accordingly, these grounds of rejection have been avoided for at least the same reasons given above in connection with claim 1, as amended herein.

It is respectfully urged in view of the foregoing, that all grounds of objection and rejection have been overcome by this Amendment. Hence, the application now is believed to be in condition for immediate allowance containing allowed claims 1-17, and such favorable action earnestly is solicited.

Examiner Wood is encouraged to telephone the undersigned to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this **Amendment Under 37 CFR § 1.111** is being deposited on September 29, 2005 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature:

Date Signed: September 29, 2005